

SB0152



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB0152

Introduced 1/30/2009, by Sen. Susan Garrett

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.148 new

Amends the School Code. Requires the State Board of Education, in conjunction with the Department of Public Health, to develop and make available to each school board guidelines for the management of students with life-threatening food allergies. Requires each school board to implement a policy based on the guidelines for the management of students with life-threatening food allergies. Imposes conditions on any rulemaking authority.

LRB096 05775 NHT 15850 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

2 WHEREAS, Food allergies are an increasing food safety and
3 public health concern in the United States, especially among
4 children; and

5 WHEREAS, As recognized by the National Institutes of Health
6 (NIH), food allergies are a life-threatening and debilitating
7 disease for more than 12 million Americans, including more than
8 4 million children; food allergies affect more than 500,000
9 Illinois residents, including 93,000 school-aged children
10 (ages 5 through 17); and

11 WHEREAS, Food allergies are increasing at an alarming rate;
12 over a recent 5-year period, the number of children diagnosed
13 with a peanut allergy doubled; and

14 WHEREAS, For many children, eating even a trace amount of
15 an allergenic food can induce a life-threatening reaction;
16 these reactions can include severe vomiting, swelling of the
17 tongue and throat, loss of consciousness, and even death in a
18 relatively short period of time; and

19 WHEREAS, Many of the most common allergens (peanuts, tree
20 nuts, milk, egg, soy, wheat, fish, and shellfish) are staples
21 of the average school child's diet and are also used
22 extensively within many Illinois school lesson plans, such as

1 in art and science projects; and

2 WHEREAS, A recent survey of elementary school nurses found
3 that the average school has 10 children suffering from severe
4 food allergies; 44% of the elementary school nurses surveyed
5 indicated that the number of students with food allergies had
6 increased over the previous 5 years, while only 2% reported a
7 decrease; and

8 WHEREAS, There is currently no cure for this potentially
9 fatal disease, and the only certain path to keep children safe
10 is by following strict safety guidelines specific to each
11 child's individual needs; and

12 WHEREAS, Despite the rights and protections afforded by
13 Section 504 of the Rehabilitation Act of 1973, the Individuals
14 with Disabilities Education Improvement Act of 2004, and the
15 Americans with Disabilities Act of 1990, children with severe
16 food allergies still face unsafe environments in school and
17 elsewhere; and

18 WHEREAS, There are no consistent food allergy management
19 guidelines in place in the State of Illinois; management
20 approaches differ from school to school; and

21 WHEREAS, In order to ensure the health and safety of all

1 children in the school environment, it is necessary for
2 educators, administrators, and school staff to understand the
3 severity of food allergies and to proactively work with parents
4 and health professionals to create clear and consistent
5 guidelines for managing allergies in the school; and

6 WHEREAS, The importance of managing food allergies in the
7 school setting has been recognized by the American Medical
8 Association, the American Academy of Allergy Asthma and
9 Immunology, the American Academy of Pediatrics, the National
10 Association of School Nurses, the National Association of
11 Elementary School Principals, the National School Boards
12 Association, the American College of Allergy Asthma and
13 Immunology, and the Food Allergy & Anaphylaxis Network; and

14 WHEREAS, To create clear and consistent guidelines to
15 provide the best measurable protection within the learning
16 environment and to meet the demands of the dramatically
17 increasing number of children affected by food allergies, the
18 General Assembly deems it in the public interest to enact this
19 Act; therefore

20 **Be it enacted by the People of the State of Illinois,**
21 **represented in the General Assembly:**

22 Section 5. The School Code is amended by adding Section

1 2-3.148 as follows:

2 (105 ILCS 5/2-3.148 new)

3 Sec. 2-3.148. Food allergy guidelines.

4 (a) Not later than July 1, 2010, the State Board of
5 Education, in conjunction with the Department of Public Health,
6 shall develop and make available to each school board
7 guidelines for the management of students with
8 life-threatening food allergies. The guidelines shall include,
9 but need not be limited to, the following:

10 (1) education and training for school personnel on the
11 management of students with life-threatening food
12 allergies, including training related to the
13 administration of medication with a cartridge injector;

14 (2) procedures for responding to life-threatening
15 allergic reactions to food;

16 (3) a process for the implementation of individualized
17 health care and food allergy action plans for every student
18 with a life-threatening food allergy; and

19 (4) protocols to prevent exposure to food allergens.

20 Rulemaking authority to implement this amendatory Act of
21 the 96th General Assembly, if any, is conditioned on the rules
22 being adopted in accordance with all provisions of the Illinois
23 Administrative Procedure Act and all rules and procedures of
24 the Joint Committee on Administrative Rules; any purported rule
25 not so adopted, for whatever reason, is unauthorized.

1 (b) Not later than January 1, 2011, each school board shall
2 implement a policy based on the guidelines developed pursuant
3 to subsection (a) of this Section for the management of
4 students with life-threatening food allergies enrolled in the
5 schools under its jurisdiction.